

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 11-40639

NOVELLA STRICKLAND MOSES,

Chapter 13

Debtor.

Judge Thomas J. Tucker

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**ORDER DENYING DEBTOR'S MOTION FOR ENTRY OF ORDER ALLOWING THE
CHAPTER 13 TRUSTEE TO RECEIVE AND DISBURSE FUNDS AFTER
EXPIRATION OF DEBTOR'S 60-MONTH CHAPTER 13 PLAN (DOCKET # 138)**

This case is before the Court on the Debtor's motion, entitled "Debtor's Motion for Entry of Order Allowing the Chapter 13 Trustee to Receive and Disburse Funds Received Subsequent to the Expiration of Debtor's Chapter 13 Plan" (Docket # 138, the "Motion"). In the Motion the Debtor seeks an order allowing the Debtor to pay to the Chapter 13 Trustee, and the Trustee to accept and disburse, plan payments that were required by Debtor's confirmed Chapter 13 Plan but which were not made before the 60-month Plan expired on July 20, 2016. (And in fact the Motion indicates that the payments still had not been made to the Trustee when the motion was filed, on October 13, 2016.) The Chapter 13 Trustee objected to the Motion (Docket # 140), and currently an adjourned hearing is scheduled for January 26, 2017.

The Court concludes that a hearing on the Motion is not required, and that the Motion must be denied.

The Court concludes that the Motion must be denied because the relief sought by the Motion would be, in effect, approval of a *de facto* plan modification that is impermissible, because it the Plan as modified would exceed the five-year limit in 11 U.S.C. § 1329(c). *Cf. In re Cutillo*, 181 B.R. 13, 16 (Bankr. N.D.N.Y. 1995).

Accordingly,

IT IS ORDERED that the Motion (Docket # 138) is denied.

Signed on January 25, 2017

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge